

AUG 30 1960

NEW YORK TIMES

25 YEAR RE-REVIEW

BRITON FINDS LAW OVERLY COMPLEX

Favors Freedom to Interpret
—Byrd Attacks Rulings
of the Supreme Court

Special to The New York Times.

WASHINGTON, Aug. 29 — Lord Evershed, a leading British judge, told his American and British legal colleagues tonight that the courts should have greater freedom in interpreting statutes.

Lord Evershed said statutes were steadily becoming more complex and hard to understand, a view doubtless shared by many of the American judges listening. He pleaded for the use of judicial wisdom.

Another session of the meeting of the American Bar Association heard Senator Harry F. Byrd declare that the Supreme Court had "usurped power" and was "undermining our system of government."

The Virginia Democrat had harsh words also for labor leaders, Federal spending and the level of public and private debt. He addressed the association's section of Insurance, Negligence and Compensation law.

And C. Tracy Barnes, assistant deputy director of the Central Intelligence Agency, told delegates to the convention that the Soviet Union did a lot of old-fashioned cloak-and-dagger spying in the United States. He said that the United States did some of its own, but that the bulk of its data came from overseas embassies, ~~and~~ reports and analyses of published information.

Lord Evershed spoke at a dinner of the bar association's Judicial Administration Section. Several hundred lawyers and judges from Britain and this country were present.

This is Master of the Rolls, the highest chancery judge in England. A chancery court deals with equity matters—for example, injunctions, as opposed to suits for damages. Equity and law have been combined in Federal and most other courts in this country but remain largely separate in Britain.

"My own court," he said, "finds itself occupied in interpretation of parliamentary language so highly involved that the process is more comparable to the solution of a highly difficult crossword puzzle."

"It is my own view that we somewhat suffer in England by over-elaboration in detail in modern statutes. One result is that the appellate courts are called more and more to



Associated Press

SCORES HIGH COURT:
Senator Harry F. Byrd of Virginia. He said Supreme Court was "undermining our system of Government."

adopt a principle of literal construction.

"Thus you get a kind of vicious circle: The more detailed the legislation the more strict the literal construction by the courts, and the more strict the literal construction the more detailed the legislation."

Judges, Lord Evershed said, have the special duty of "keeping alive, expounding and justifying" the great underlying principles of law, and of balancing "private right and public obligation." He pleaded for "at least reasonably liberal canons of interpretation" so that judges could harmonize statutes with these underlying principles.

Senator Byrd began his talk this afternoon by saying:

"I am a conservative. I have been called unreconstructed."

He said he wore that label proudly if it meant he fought for "fundamentals" such as "fiscal soundness, freedom to work with incentive and state sovereignty."

"Continuing centralization of government will destroy our freedoms and our strength," he said. "We have already gone too far. Excessive centralization inevitably leads to excessive central edict and regulation, and to excessive Federal competition and taxation. In short, it produces the evils of state socialism."

"Our strength is being sapped by the paternalism of Federal bureaucracy grown too big, usurpation of power by the Warren Court grown too mighty, and force of labor leaders grown too arrogant."